

CHAPTER II Organization

2-101 Creation and Membership of The Mississippi Personal Service Contract Review Board During the 1997 Regular Session, the Mississippi Legislature enacted legislation creating the Personal Service Contract Review Board. Section 25-9-120 of the Mississippi Code Annotated provides that the Board is to be composed of the State Personnel Director, the Executive Director of the Department of Finance and Administration, or his designee, the Commissioner of Corrections, or his designee, the Executive Director of the Mississippi Department of Wildlife and Fisheries, or his designee, and the Executive Director of the Department of Environmental Quality, or his designee. The State Personnel Director shall be chairman and shall preside over the meetings of the Board.

2-102 Policy and Procedure

The Board shall annually elect a vice-chairman, who shall serve in the absence of the chairman. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the Board. Three (3) members shall be a quorum. No action shall be valid unless approved by the chairman and two (2) other of those members present and voting, entered upon the minutes of the Board and signed by the chairman. Necessary clerical and administrative support for the Board shall be provided by the State Personnel Board. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the Legislative Budget Office.

2-103 Authority and Duties of the Personal Service Contract Review Board

The Personal Service Contract Review Board shall have the following powers and responsibilities:

- (1) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the Mississippi Department of Transportation, and any contract for attorney, accountant, auditor, physician, dentist, architect, engineer, veterinarian and utility rate expert services. Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d), Mississippi Code of 1972.
- (2) Approve all personal and professional services contracts involving the expenditures of funds in excess of One Hundred Thousand Dollars (\$100,000.00);
- (3) Develop standards with respect to contractual services personnel which require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Personal Service Contract Review Board may, in its discretion, require the agency involved to advertise such contract for public bid, and may reserve the right to reject any or all bids;
- (4) Prescribe certain circumstances whereby agency heads may enter into contracts for personal and professional services without receiving prior approval from the Personal Service Contract Review Board. The Personal Service Contract Review Board may establish a pre-approved list of providers of various personal and professional services

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for set prices with which state agencies may contract without bidding or prior approval from the board.

- (5) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;
- (6) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;
- (7) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract;
- (8) Request the State Auditor to conduct a performance audit on any personal or professional service contract;
- (9) Prepare an annual report to the Legislature concerning the issuance of personal service contracts during the previous year, collecting any necessary information from state agencies in making such report.

2-103.01 Procurement Regulations

- (1) Regulations shall be promulgated with approval of the Personal Service Contract Review Board in accordance with authority granted under Section 25-9-120.
- (2) Regulations shall not change existing contract rights.

2-103.02 Discretionary Authority

The Personal Service Contract Review Board shall have the discretion to grant exceptions to these regulations when it is determined that it is in the best interest of the State to do so.

2-103.03 Amendment to these Regulations

These regulations may be amended by the Board as authorized in Section 25-9-120.

2-104 Continuous Internal Audit Required

In conformity with Sections 7-7-3 (6) (d) and 25-9-120 (3) of the Mississippi Code (Rev. 1997), each state agency shall, through its governing board or executive head, maintain continuous internal audit covering the activities of such agency affecting its revenues and expenditures for personal and professional services contracts; and maintain an internal system of pre-auditing claims, demands and accounts against the agency to adequately ensure that only valid claims, demands and accounts will be paid.